IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 8TH FEBRUARY 2006 / 19TH MAGHA, 1927

WP(C).No. 23718 of 2006(W)

PETITIONERS:

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1. ROYAL ENTERPRISES,
   REP. BY ITS MANAGING PARTNER M.D.UNNIKRISHNAN,
   STATUE JUNCTION, THRIPUNITHURA.

2. M. NANDAKUMAR,
   PARTNER-ROYAL ENTERPRISES, STATUE JUNCTION,
   THRIPUNITHURA.

BY ADV. SRI.P.R.RAMACHANDRA MENON

RESPONDENTS:

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1. STATE OF KERALA,
   REP. BY THE SECRETARY TO THE LOCAL SELF GOVT.(M)
   DEPARTMENT, GOVT. SECRETARIAT,THIRUVANANTHAPURAM.

2. THE CHIEF TOWN PLANNER,
   GOVT. OF KERALA, THIRUVANANTHAPURAM.

3. THE REGIONAL TOWN PLANNER,
   REGIONAL TOWN PLANNING OFFICE, ERNAKULAM.

4. THRIPUNITHURA MUNCIPALITY,
   REP. BY ITS SECRETARY, THRIPUNITHURA.

R4 BY ADV. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
SMT.TULASI PANICKER
R1 TO R3 BY GOVERNMENT PLEADER SRI.MATHEW G.VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) No.23718 OF 2006

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DATED THIS THE 8TH FEBRUARY, 2007

J U D G M E N T

I have on 31.1.2007 disposed of W.P.(C)No.25478 of 2006 filed by three other builders raising exactly identical grounds and making exactly identical prayers. My findings and observations in that judgment will squarely apply in this case also. In view of the reasons stated in that judgment, Exts.P2 and P3 are quashed. There will be a direction to the Government to pass fresh orders within three months of receiving copy of this judgment on the request regarding applicability of the provisions relating to FAR in the Kerala Municipal Building Rules, 1999 vis-a-vis the provisions in the Structure Plan for Central Kochi City. Fresh orders as directed above will be passed by the Government taking into account the observations contained in my judgment in W.P.(C)No.25478 of 2006, after hearing the petitioners and everybody else who, according to the Government, will be concerned in the matter. In the meanwhile, there will be a direction to respondent No.4 to consider applications, if any, submitted by the petitioners till 28.8.2006, the date of issuance of G.O.(Rt.) No.2121/06/LSGD and decide them in accordance with the FAR permitted under the Kerala Municipality Building Rules, 1999. As

regards the applications subsequently submitted by the petitioners, there will be a direction to the 4th respondent to process them and pass orders to the extent of permitting constructions within the FAR permitted under the Structure Plan of 1991. The petitioners will furnish a copy of the judgment in W.P.(C)No.25478 of 2006 to the Government along with a copy of this judgment.

The Writ Petition stands allowed to the above extent. The parties will bear their respective costs.

(PIUS C. KURIAKOSE, JUDGE)

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